

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

The Minutes

February 16, 2004

There were no minutes for this date.

February 17, 2004

At 9:32 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Sims, Associate Justice; Davis, Associate Justice and Guzman, bailiff.

**C042493 SACRAMENTO POLICE OFFICERS ASSOCIATION v. CITY OF
SACRAMENTO et al.**

**C043377 SACRAMENTO POLICE OFFICERS ASSOCIATION v. CITY OF
SACRAMENTO et al.**

Cause called. Deborah R. Schulte, Deputy City Attorney, argued for appellants. David E. Mastagni argued and Adam J. Krolkowski appeared only for respondent. Cause submitted.

At 10:08 a.m., the court recessed. At 10:11 a.m, the court reconvened with Davis, Associate Justice; Raye, Associate Justice; and Butz, Associate Justice.

C042978 THE PEOPLE v. GALGIANI

Cause called. Lawrence D. Samelson argued for appellant. Clayton S. Tanaka, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:33 a.m., the court recessed. At 10:37 a.m., the court reconvened with Sims, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

C043851 SHOEMAKE et al. v. PLACER COUNTY OFFICE OF EDUCATION et al.

Cause called. Sheri L. Leonard argued for appellants. James B. Carr argued for respondents. Cause submitted.

At 11:05 a.m., the court recessed. At 11:11 a.m., the court reconvened with Raye, Associate Justice; Morrison, Associate Justice; and Hull, Associate Justice.

C042236 DODGE et al. v. YOUSSEFI et al.

Cause called. Ellen C. Dove argued for appellants. David L. Price and Joel A. Rice argued for respondents. Cause submitted.

At 11:56 a.m., the court recessed. At 2:03 p.m., the court reconvened with Sims, Associate Justice; Davis, Associate Justice; and Raye, Associate Justice.

2

At 10:21 a.m., the court recessed. At 2:01 p.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Davis, Associate Justice.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

4

The Minutes

February 18, 2004, continued

- C042593 PACIFIC GAS AND ELECTRIC COMPANY v. STATE DEPARTMENT OF
WATER RESOURCES et al. (Not for Publication)**
The December 20, 2002, order awarding attorney's fees and costs is reversed. The parties shall bear their own costs on this appeal. (Cal. Rules of Court, rule 27(a).)
SIMS, J.
We concur: Scotland, P.J.
Nicholson, J.
- C043158 SHUFELBERGER CONSTRUCTION, INC. v. HUDDLESTON et al.
(Not for Publication)**
The judgment on the third cause of action is reversed, the judgment awarding damages is modified ... Each party shall bear its respective costs of appeal.
RAYE, J.
We concur: Sims, Acting P.J.
Morrison, J.
- C043540 REDDING MEDICAL CENTER v. BONTÁ, as Director, etc.
(Certified for Publication)**
The judgment is affirmed. (CERTIFIED FOR PUBLICATION)
DAVIS, J.
We concur: Blease, Acting P.J.
Hull, J.
- C043702 In re J.K.; SISKIYOU COUNTY HUMAN SERVICES DEPARTMENT v. GARY
F. et al.**
The orders of the juvenile court are affirmed.
HULL, J.
We concur: Davis, Acting P.J.
Butz, J.
- C044187 In re HILLARY A. et al.; SACRAMENTO COUNTY DEPARTMENT OF
HEALTH AND HUMAN SERVICES v. ALICIA P. (Not for Publication)**
The juvenile court's orders are modified... As modified, the orders are affirmed.
SCOTLAND, P.J.
We concur: Sims, J.
Davis, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

5

The Minutes

February 18, 2004, continued

- C040921 THE PEOPLE v. WANDICK (Certified for Partial Publication)**
THE COURT:
It is ordered that the opinion filed herein on January 23, 2004, be modified as follows...
There is no change in the judgment.
FOR THE COURT:
SIMS, Acting P.J.
DAVIS, J.
HULL, J.
- C043242 BLANTON v. GOZZA**
BY THE COURT:
California Association of Realtors' request to publish the opinion filed on January 23, 2004, is denied.
SIMS, Acting P.J.

February 19, 2004

- C041824 THE PEOPLE v. STAPLETON (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed.
BLEASE, Acting P.J.
We concur: Davis, J.
Hull, J.
- C043714 FANOUS v. BOARD OF PODIATRIC MEDICINE (Not for Publication)**
Accordingly, following *Bonnell v. Medical Board of California*, the judgment is affirmed.
BLEASE, Acting P.J.
We concur: Morrison, J.
Robie, J.
- C044396 In re LOGAN A.; DEPARTMENT OF SOCIAL SERVICES v. SHANNON A. (Not for Publication)**
The juvenile court's order of appointment of a guardian ad litem for appellant and all subsequent orders are reversed. The matter is remanded to the juvenile court with directions to conduct a new jurisdictional hearing consistent with this opinion.
BLEASE, Acting P.J.
We concur: Davis, J.
Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

6

The Minutes

February 20, 2004

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Morrison, Associate Justice; Butz, Associate Justice and Facey, bailiff.

C042699 MICHELI v. MICHELI

Cause called. Richard Rossi argued for appellant. John J. Hollenback, Jr. argued for respondent. Cause submitted.

At 10:00 a.m., the court recessed. At 10:02 a.m., the court reconvened with Blease, Associate Justice; Raye, Associate Justice; and Robie, Associate Justice.

C044285 THE PEOPLE v. LUND

Cause called. Jeff Tochtermann argued for appellant. Mark A. Johnson, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:12 a.m., the court recessed. At 10:18 a.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Davis, Associate Justice.

C042271 ROBERTS v. SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

Cause called. Gaspar R. Garcia, II argued for appellant. Michael W. Pott argued for respondent. Cause submitted.

At 10:43 a.m., the court recessed. At 10:50 a.m., the court reconvened with Nicholson, Associate Justice; Raye, Associate Justice; and Robie, Associate Justice.

C042504 WELLS, etc. et al., v. ONE2ONE LEARNING FOUNDATION et al. and the STATE OF CALIFORNIA

Cause called. Michael S. Sorgen argued for appellants. Kurt A. Kapps argued for respondent Charter School Resource Alliance. Jon P. Webster argued for respondents Camptonville Academy, Inc. et al. Mark C. Russell appeared only for respondent One2One Learning Foundation. James B. Carr appeared only for respondent Sierra Summit Academy et al. Marc J. Cardinal appeared only for respondent Mattole Valley Charter School et al. David E. Robinett appeared only for respondent Camptonville Unified Elementary School. Mark R. Soble, Deputy Attorney General, appeared only for Real Party in Interest, State of California. Cause submitted.

At 11:23 a.m., the court recessed. At 11:25 a.m., the court reconvened.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

7

The Minutes

February 20, 2004, continued

**C044894 BROWN v. THE SUPERIOR COURT OF SACRAMENTO COUNTY and
CYCLON CORPORATION et al.**

Cause called. Michael E. Brown argued for petitioner. William J. Healy argued for Real Parties in Interest. Cause submitted.

At 11:48 a.m., the court recessed. At 2:02 p.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Nicholson, Associate Justice.

**C042944 CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY v.
C042947 ALL PERSONS INTERESTED IN THE MATTER OF THE VALIDITY OF A
C042948 PURCHASE AGREEMENT, etc.**

Cause called. Eugene H. Carron argued and Margaret Carew Toledo appeared only for appellant. Nicholas P. Miller argued for appellant Loma Linda University et al. Margaret C. Crosby argued for A/C ACLU Northern California. Cause submitted.

At 3:03 p.m., the court recessed. At 3:05 p.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Morrison, Associate Justice.

C044294 THE PEOPLE v. NJIRICH

Cause called. There was no appearance on behalf of appellant. Steven G. Herndon, Deputy Attorney General, appeared for respondent. Cause submitted.

At 3:08 p.m., the court recessed. At 3:13 p.m., the court reconvened with Davis, Associate Justice; Raye, Associate Justice; and Butz, Associate Justice.

C041624 WILMSHURST v. WILMSHURST

Cause called. Richard E. Wilmshurst argued In Pro Per as appellant. Respondent waived argument. Cause submitted.

At 3:22 p.m., the court recessed until 9:30 a.m., Monday, February 23, 2004.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

8

The Minutes

February 20, 2004, continued

- C038946 THE PEOPLE v. MCCALL (Not for Publication)**
The Supreme Court remanded the cause to us to “resolve any outstanding issues regarding count 3.” Our decision reversed the judgment of conviction on count 3 and affirmed the judgment in all other respects. Since there are no outstanding issues regarding count 3, we affirm the judgment of conviction in all respects.
BLEASE, Acting P.J.
We concur: Davis, J.
 Morrison, J.
- C044074 THE PEOPLE v. ROYSTER, JR. (Not for Publication)**
The amended abstract of judgment shall be corrected in the following particulars:...
The trial court is directed to prepare a second amended abstract of judgment as described above, and to forward a certified copy of the corrected abstract to the Department of Corrections.
BUTZ, J.
We concur: Sims, Acting P.J.
 Hull, J.
- C040917 KAPLAN, as Public Administrator, etc. v. RIPPENGALÉ (Not for Publication)**
That portion of the probate court’s January 31, 2002, order on the Public Administrator’s motion for full and complete discharge that awarded County Counsel extraordinary fees of \$12,643 is reversed. In all other respects, the judgment (order) is affirmed. The matter is remanded to the probate court for reconsideration of the extraordinary fees’ issue in light of the views expressed in this opinion. Each party shall bear their own costs on appeal.
HULL, J.
We concur: Sims, Acting P.J.
 Morrison, J.
- C041756 MUNOZ v. SACRAMENTO CITY UNIFIED SCHOOL DISTRICT et al. (Not for Publication)**
The judgment is affirmed.
Davis, J.
We concur: Scotland, P.J.
 Sims, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

9

The Minutes

February 20, 2004, continued

- C043791 STIGALL v. BROWN et al. (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We concur: Sims, Acting P.J.
 Hull, J.
- C044556 In re L.N. et al.; YOLO COUNTY DEPARTMENT OF EMPLOYMENT AND
SOCIAL SERVICES v. RACHEL F. (Not for Publication)**
The orders of the juvenile court are affirmed.
ROBIE, J.
We concur: Blease, Acting P.J.
 Raye, J.